

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION

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DONALD P. SPEAKMAN, STEPHEN H.  
WEDEL, and MARK L. ROBARE,  
Individually and On Behalf of All Others  
Similarly Situated,

Plaintiffs,

v.

ALLMERICA FINANCIAL LIFE INS. &  
ANNUITY CO., FIRST ALLMERICA  
FINANCIAL LIFE INS. CO., and  
ALLMERICA FINANCIAL CORP.,

Defendants.

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Civil Action No. 4:04-cv-40077-FDS

**DEFENDANTS' ASSENTED-TO MOTION FOR EXTENSION OF TIME TO FILE  
OPPOSITION BRIEF TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Defendants and Counterclaim Plaintiffs Allmerica Financial Life Insurance and Annuity Co., First Allmerica Financial Life Insurance Co., and Allmerica Financial Corp. (collectively, "Allmerica" or "Defendants") respectfully move for an extension of time to file their Opposition Brief to Plaintiffs' Motion for Class Certification from November 11, 2005 to November 17, 2005. Plaintiffs have assented to the requested extension.

As grounds for this motion, Defendants state as follows:

1. On November 2, 2005, Defendants deposed named Plaintiff Donald P. Speakman in Boston. During the deposition disputes arose concerning, inter alia, Mr. Speakman's failure to testify in response to certain questions and request that the deposition be adjourned so he could consult other counsel and for travel reasons.

2. On November 7, 2005, Defendants filed an Emergency Motion to extend the time

in which to file their Opposition to class certification so Allmerica could resume the deposition and to order Mr. Speakman to answer questions that he previously failed to answer. Plaintiffs filed their Opposition to that Motion the same day.

3. The parties have now agreed that Mr. Speakman will resume his testimony this Friday, November 11, 2005 at 10:30 a.m.

4. To accommodate the continuation of Mr. Speakman's deposition, the parties have also agreed that Allmerica may file their Opposition to Plaintiffs' Motion on November 17, 2005. If the Court allows this Motion, Allmerica has agreed to withdraw without prejudice the Emergency Motion it filed on November 7, 2005.

5. Plaintiffs have assented to this request and also agreed to maintain the current December 6, 2005 deadline for filing their Reply Brief.

WHEREFORE, Defendants respectfully request that the Court extend the deadline for filing their Opposition to Plaintiffs' Motion for Class Certification to November 17, 2005.

Respectfully submitted,

ALLMERICA FINANCIAL LIFE INSURANCE &  
ANNUITY CO., FIRST ALLMERICA  
FINANCIAL LIFE INSURANCE CO., and  
ALLMERICA FINANCIAL CORP.

By their attorneys,

/s/ Jonathan A. Shapiro

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Dated: November 9, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served on this 9th day of November 2005 by overnight mail on:

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